



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

December 30, 2021

Re: FOIA Request NLRB-2022-000256

Dear Mr. Thomas Jones (American Accountability Foundation):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on December 3, 2021, seeking “[c]opies of all emails or text messages, (iMessage, SMS messages, Signal message, What’s App, or any other similar messaging services) between (to, from, cc, bcc) the following employees:

- Jennifer Abruzzo
- Peter Sung Ohr
- David P. Berry
- Lori Ketchum
- David Prouty
- Gwynne Wilcox

and any individuals with the email addresses at the following domains:

- @levyratner.com
- @1199seiu.org
- @seiu32bj.org
- @bredhoff.com
- @seiu.org
- @fightfor15.org

Or containing the following keywords:

- “Service Employees International Union”
- “SEIU”
- “Fight for \$15”

You agreed to assume fees up to \$50.00 to process your request but requested that fees be waived. You also requested expedited processing.

We acknowledged your request on December 3, 2021. Your request for expedited processing has been granted. The portion of your request seeking records from the Office of the Inspector General (OIG) has been routed to the OIG for processing those portions of your request encompassing responsive records originating in that Office. The OIG will issue their response in NLRB-OIG-2022-000258.

Pursuant to the FOIA, a reasonable search was conducted of the email accounts of five of the six individuals you named, for the time period November 4, 2020 to the date of the search on December 6, 2021, using the Office 365 eDiscovery tool and searching for emails to and from individuals with the domain names you provided containing the keywords you specified.¹ Further inquiries were made to the Offices of the General Counsel, the Designated Agency Ethics Officer, as well as Members David Prouty and Gwynne Wilcox to have searches of their Agency cell phones conducted for any responsive text messages. These searches yielded 44 pages of responsive, releasable records, which are attached. Please note the searches located no responsive text messages.

After a review, I have determined that portions of the records are exempt from disclosure under FOIA Exemption 6, 5 U.S.C. § 552(b)(6). Specifically, redactions have been made to portions of some records pursuant to Exemption 6, which pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy.

For the purpose of assessing fees, we have placed you in Category C, as a representative of the news media, in that you qualify as a person “actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.” NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(vii). Accordingly, there is no charge for this request.

You may contact me at (202) 273-2995, or by email at synta.keeling@nrlb.gov, as well as the FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Attorney, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the Agency’s FOIA Public Liaison is:

FOIA Public Liaison
National Labor Relations Board

¹ The OIG will conduct a search for records in response to NLRB-OIG-2022-000258.

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1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nlrb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at:
<https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt
Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nlrb.gov

Any appeal must be postmarked or electronically submitted within 90 days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Attorney, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ Synta E. Keeling

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Synta E. Keeling
Freedom of Information Officer

Attachment: (44 pages)